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Commissioner for Patents  
PO Box 1450  
Alexandria,  
VA 22313-1450  
USA

**US Patent Application No:** 10/573,021  
**Filed:** 22<sup>nd</sup> March 2006  
**Title:** Electric Post Driver  
**Inventor:** KENNETT

**Group Art Unit:** 3721  
**Examiner:** Lindsay Lowe

**Office Communication Dated 05/05/2010**

This notice of non-compliance was raised by **Legal Instruments Examiner** Kimberly Cooper, **Group Art Unit** 3700. Firstly, I am responding to you as the examiner but am not sure whether this should be addressed to Kimberly Cooper.

This office action gave notice of Non-compliant amendment (CFR 1.121) for RCE document filed on 12 February, 2010. The notice indicated that a complete listing of all claims is not present and that claims 1-45 are not mentioned.

I note from an earlier RCE filed on 22 July, 2009 by Jacobson Holman pp1c that when previous claims had been cancelled they were not explicitly refilled. I refer to the start of page 3 of this RCE which stated:

"Please cancel all claims 1-44 without prejudice or disclaimer.  
Please add new claims 45-85 as follows:"

On this basis the RCE submitted on 12 February, 2010 adopted a similar style by stating on page 2:  
"Please cancel all claims 45-85 without prejudice or disclaimer.  
Please add new claims 86-111 as follows:"

I took it as being understood that claims 1-44 had already been cancelled by the earlier RCE.

I am therefore seeking advice as to how I should have presented the RCE submitted on 12 February, 2010. Should I have explicitly stated that:  
"Please cancel all claims 1-85 without prejudice or disclaimer.  
Please add new claims 86-111 as follows:"

In which case what do I need to resubmit or is this letter sufficient to resolve any non-compliance.

Yours truly,



David Kennett  
Director  
Ramet Holdings Limited